

**DISTRICT ADVISORY BOARD (DAB) I
MEETING MINUTES**

Monday, May 6, 2013

6:30 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Brandon James
Beverly Domitrovic
Twila Chaloupek
Janet Wilson
Dan Heflin
Bill Wynne
David Buckmaster
Aaron Mayes
Ayron Lewellyn – Youth Member

Members Absent

KC Ohaebosim
Janice Rich
James Roseboro

Guests

Vernetta Hill
Gerry Domitrovic
Theola Cooper
Russ Ewy
Kim Edgington
Donald Hogg
Lisa Blume
Jozel Smioth Eckels
Demetrius Dawson
Warren Pyles
Brad Smith
Nadine Long
Stevenson
Victor Salas
Greg Cooper
Lawrence Jackson
Blanche Jackson
John Williams Bey III
Michael Balton
9 Other Attendees

City of Wichita Staff Present

Council Member Lavonta Williams
Fire Captain Bahr, Wichita Fire Department
Officer Whyte Beat 32, Wichita Police Department
Officer Lemons Beat 44, Wichita Police Department
Gary Janzen, Public Works & Utilities
Ben Nelson, Public Works & Utilities
Jess NcNeely, Planning Department
LaShonda Garnes, District 1 Neighborhood Assistant

Order of Business

Call to Order

Council Member Williams called the meeting to order at 6:30 p.m. and welcomed staff and guest. **Council Member Williams** that all guest speaking to come to the podium and state there name and address and that they would have 3 minutes to speak.

Approval of Agenda

Wynne (Domotrovic) made a motion to approve the agenda as submitted. **Motion carried. 8:0**

Approval of Minutes

Heflin (Wilson) made a motion to approve the minutes as submitted. **Motion carried. 8:0**

Public Agenda

1. Agenda Items

Lisa Blume, Stand Together Coalition presented information on the need to adopt a local social hosting ordinance in Wichita. She stated the Stand Together Coalition is working to promote community involvement in the prevention of substance misuse and its consequences through advocacy, education and resource networking.

Blume advised that the Stand Together Coalition is working to get a local social hosting ordinance to help address the issues they are seeing in Wichita. She explained that a social host is a private individual who serves alcohol to youth under 21, or allows minors to drink in their home or on their property.

Blume advised that her goal for tonight's presentation was to get the Board and community to: 1) recognize that social hosting is an issue in Wichita; 2) to understand that there is way to decrease social hosting in Wichita; and 3) get the support of the Board to endorse a letter for the adoption of a social hosting ordinance in Wichita.

Blume advised that based on the information received from the "Communities that Cares" survey, they learned that 1 out of 3 Wichita/Sedgwick County 10th grade students have drank alcohol in the past 30 days. The survey also identified that less than 1% of Wichita/Sedgwick County students who drank alcohol in the past 30 days bought it themselves. They most get alcohol it from family and friends.

Blume went on to explain that in 2011, WPD reported 173 total DUIS of drivers under 21, with 19 injury accidents. She also noted that there were 3 high profile underage drinking parties reported by multiple local news sources in 2012.

Blume advised that these incidents could be reduced if a local social hosting was developed. She noted that the lack of a city social hosting ordinance is preventing WPD Officers from enforcing the state social hosting law because they have not been successful in getting District prosecution.

Blume stated that the Stand Together Coalition believes that a local social hosting ordinance would provide many benefits to the City of Wichita, including increased enforcement of social hosting, as well as increased revenue to the City of Wichita through direct fines. She stated that increased enforcement of social hosting would lead to the reduction of related negative consequences associated with underage drinking including: property damage, DUIs, sexual assault, and youth violence.

Blume invited the DAB and community to attend any of the Stand Together Coalition meetings on the 4th Tuesday of every month at the Kansas Food Bank from 11:30 – 1:00 p.m.

Heflin asked in parents did not provide the alcohol and are not present are they still responsible. **Blume** advised that situation would still be considered a social host.

James wanted to know if the parent has no knowledge of the party can they still be held liable. **Blume** says that the statute says that they can still be prosecuted.

Mayes wanted to know when the proposed language for a city ordinance is available. **Blume** advised that they are ready to work on it right away and they are looking at something similar to Lawrence.

Wilson wanted to know if they showed up drunk could the parent at the home they arrived still be held responsible. **Blume** stated that 21 is the legal drinking age and that she was not sure on how to address the question. **Wilson** responded that people will be looking at these sorts of situations before they will be able to support such an ordinance. **Blume** added that Police will also have to decide who provided the liquor as well.

James stated that the law might have an opposite effect.

Action Taken: Received and filed.

2. Off Agenda Items

Larry Stevenson, 1051 Brandy Wine advised that he was in the process of opening a Ballroom Dance Studio at 2745 Boulevard Park. He indicated that he met with Officer Justin Whyte to discuss the studio and to ensure him that this was not going to be a club. **Stevenson** advised that the target age is 35 years of age and older and that this was a membership only club, that would not be open to the general public. **Stevenson** noted that they would do bi-monthly fundraisers and they will also be having a ball room boot camp.

CM Williams suggested that Mr. Stevenson visit the neighborhood association for that area. **Stevenson** responded that he and Officer Whyte were going to their meeting right after Officer Whyte reported to the Board.

Action Taken: Received and filed.

Staff Report

3. Park and Recreation Report

No items submitted.

4. Fire Report

Captain Bahr, Wichita Fire Department provided statistics on the District 1 activity for April, which included 7 fires. Those fires were due to alcohol, lack of sleep, children playing with lighters, and cooking.

Bahr advised that the fire at 23rd and Princeton is still under investigation, but the 6 year old girl that was rescued has been released from the hospital and is back to school.

Bahr advised that the Fire Department is trying to proactively address the water drought

concerns. They are no longer washing fire equipments, not watering lawns as much, and refueling vehicles in the evening. **Bahr** advised that they are trying to do as much to aid in the process before water restrictions are imposed.

CM Williams asked if the Captain could share any updates on the fire incident on 13th Street. **Bahr** advised that there were no fatalities and that they were able to get things under control after the construction company hit a high pressure gas line. **Bahr** advised that they allowed the fire to burned and they monitor things to ensure that there were no safety issues. Following the completion of the burning, the Gas Co. went to everyone's home to relight pilot lights. He indicated that the Fire Department also checked the area to make sure everything was okay.

CM Williams thanked the Captain for his report.

Action Taken; Received and filed.

5. Policee Report

Officer Whyte, Beat 32, Wichita Police Department advised that there has been an increase of brass back flow preventers on sprinkler systems at large businesses. He noted that 2 arrests had been made from an incident at St. Joe's hospital where they were trying to steal back flow preventers.

Officer Whyte advised that there was also an increase in larcenies from autos. He noted that they are taking money, electronics, purses, etc. He noted there is also an increase in larcenies from yards and they are stealing bicycles, lawn mowers, and ornaments.

Officer Whyte reported that on Beat 31 there was a robbery at the Dillon's at Hillside and Douglas and that an arrest had been made. He also advised that there was a robbery of person at Hillside and Waterman.

Officer Whyte advised that there was also a burglary from a garage in the 300 block of South Holyoke and the 300 block of North Rutan. He stated that residents should call anything or anyone that looks suspicious in their neighborhoods. He asked that those incidents be reported immediately.

Officer Whyte advised that they have been getting complaints regarding Club Petron; however, they are not seeing any activity. He advised that they have tried contacting the owner but have not been successful in reaching him or getting a return phone call.

Mayes wanted to know what Officer Whyte's thoughts were on the social hosting ordinance being proposed. **Officer Whyte** stated that the ordinance would be beneficial in helping to curb the activity.

Heflin asked if the scrap yards along 21st were being monitored in light of the increase in larcenies. **Whyte** advised that the detectives are probably monitoring closer as there is a scrap metal ordinance that the business owners should be following, which should help curb the activity from theft.

Officer Lemons, Beat 44, Wichita Police Department advised that WPD 2013 goals included an implementation of a comprehensive plan to address larcenies. He noted that in March that there were 218 larcenies and April there was 238. These larcenies included shoplifting, scrap metal, auto thefts, etc. **Officer Lemons** also stressed the importance of immediately calling

911 when suspicious activities or persons are seen in the neighborhood.

Officer Lemons advised that on Beat 46 there were 2 mailbox larcenies and 2 individuals have been arrested after their confession. The incidents occurred at Eagle Rock apartments and Remington apartments.

CM Williams thanked the Officers for their report.

Action Taken: Received and filed.

Jess McNeely asked if the agenda could be adjusted to move PUD2013-0001 up to be the first planning case presented as the agent needed to leave. Board approved.

New Business

6. PUD2013-00001

Jess McNeely, Planning Department presented information on the request to create a planned unit development generally located south of Harry Street and east of Lulu Avenue (1407 E. Harry). The applicants propose replacing the existing Limited Commercial and Multi-family residential zoning on this property with PUD #40, the Sunset Planned Unit Development (PUD). According to the Unified Zoning Code (UZC), a PUD is intended to:

- Reduce or eliminate the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- Allow greater freedom in selecting the means to provide access, light, open space and design amenities;
- Promote quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses; and
- Allow deviations from certain zoning standards that would otherwise apply if contrary to the general spirit and intent of this Code.

McNeely advised that the applicant proposes all uses permitted by right in LC zoning, with adult entertainment and sexually oriented businesses, vehicle sales, and industrial uses prohibited. An event center is proposed as permitted with: catered food and entertainment permitted.

McNeely advised that the adjacent zoning and land use was”

- North – Auto repair, retail
- South – Single-family residential
- East – Single and two-family residential
- West – Auto repair, multi-family residential, single-family residential

McNeely advised that the community has asked for screening along the parking lot. **McNeely** advised that staff is recommending approval of the request based on the conditions listed in the staff report.

Wynne asked why the proposed conditions listed in the staff report were not included in staff’s recommendation. **McNeely** advised that they could add those prohibitions to the staff recommendation, but the approval of this request would include the self-imposed prohibitions in addition to the staff conditions.

Wilson questioned the height of the screening, thought it was rather short. **McNeely** advised that staff was recommending 6 – 8 feet on the east and south and the west it would not be as tall because it was toward the street. The thought is that this could cause safety to concerns if you block sight from the street on to the property.

Kim Eddington, 2532 N. Cardinal Drive advised that the screening on the west side of parking lot would be done as a landscaping screening, so it would probably be taller than 4 feet, but they to wanted to make sure the landscaping was aesthetically pleasing, as well as, eliminate any safety concerns. **Eddington** also advised that they informed residents within 350 feet of the property verses 200 feet to ensure everyone was aware of the request.

Wilson wanted to know if they were going to continue table tennis. **Eddington** advised yes.

Action Taken: Approve the request for a PUD according to the recommendation in the staff report and adding the prohibition to the conditions. (Heflin) Roseboro. Motion carried 8:0.

7. CON2013-00006

Jess McNeely, Planning Department presented information on a conditional use request for ancillary parking at 517 N. Dellrose. **McNeely** advised that the applicant is requesting a conditional use permit to allow ancillary parking on a two-family residential zoned property. The property was formerly used for a single-family residence.

McNeely advised that this has been presented at MAPC, whom is recommending approval. He advised that staff has received no petitions and that they are recommending approval of the request based on the conditions listed in the staff report.

Wilson asked if the Board should recommend a protective overlay, in the case that the owners were to sell the property. **McNeely** advised that the conditional use does not change the zoning of the property and so the current zoning will only allow a single-family resident or parking as the conditional use request.

Action Taken: Approve the conditional use request according to the recommendation in the staff report. (Roseboro) Chaloupek. Motion carried 8:0.

8. ZON2013-00006

Jess McNeely, Planning Department presented information on the zoning change request from Multi-family Residential to Neighborhood Office, generally located west of Oliver Avenue, on the southeast corner of Central Avenue an Terrace Drive. Currently the property has been used for “medical services.” Medical services are the only office use permitted by-right in the Multi-family Residential zoning district.

The applicants would like to increase the range of offices uses that could legally be located on the property; therefore, the applicants’ are requesting the site to be rezoned to Neighborhood Office. A driveway from Terrace Drive provides access to a parking lot located at the rear of the existing building.

McNeely advised that staff recommends approval of the zone change per the conditions in the staff report.

Domotrovic asked what the developer was planning to put in the office space.

Wynne wanted to know if this zoning would allow businesses such as payday loans. **McNeely** advised he would have to check the code to verify that.

Russ Ewy, Baughman Company advised that he did not believe that those types of businesses would be restricted. However, that is something we are comfortable adding as a condition of the approval.

Action Taken: Approve the zoning change request according to the recommendation in the staff report with the addition of the restriction for payday loans. (Heflin) Buckmaster. Motion carried 8:0.

9. Drought Response

Ben Nelson, Public Works & Utilities presented information on the response from the community meetings held to discuss the current water levels in the City's two sources. He noted that on February 26th the City Council held a workshop to study this issue. He advised that from there a public input campaign was started in April, and tonight he was going to present the preliminary results.

Nelson advised that they have held several community meetings, presented at neighborhood association meetings, held focus group meetings, and launched Activate-Wichita.com. He also advised that they are presenting at the District Advisory Board meetings. He added that they also have had interviews with key stakeholders. **Nelson** advised that they are about 90% complete with the public input sessions.

Nelson advised that 125 – 150 feedback forms have been received; 30 – 35 public meetings have been held, involving approximately 550 individuals. He also noted that there have been about 1,000 people who have visited the Activate-Wichita site.

Nelson then reviewed the city-wide feedback from the community meetings:

- 74% of the respondents feel we are moving to slow
- 83% of the respondents feel we should reduce demands within the next 6 months
- 55% of the respondents feel we should increase supply

Nelson also advised that people had the option of saying do nothing.

Nelson advised that the top priorities from the feedback were:

- Water for Indoor Uses
- Water for Business Uses
- Minimizing Costs
- Keeping Rates as Low as Possible

Nelson advised that from the feedback 97% of the respondents supported some type of water restriction. He also noted that some strategies and themes that came from the meeting included:

- Publicizing water conservation
- Regulate conservation
- Provide incentives to people who conserve water
- Restrict water usage
- Consider using treated waste water for irrigation

Nelson advised that they plan to meet with the Water Advisory committee on May 22nd to review the data and community feedback. It could then go to the City Council with recommendations shortly after that Water Advisory committee meeting, but a date has not been set.

Heflin wanted to know what level was the Cheney Reservoir at currently. **Nelson** advised that it was about 62% full. **Heflin** stated that the majority of the individuals he has spoken with are frustrated with not having a comprehensive plan to address the water drought. **Nelson** noted he is hearing this in other meetings as well.

Mayes commented that we have to do something now, we have to change behaviors.

Wilson thanked Nelson for putting all the word out regarding the issue. She commented that we need to stay on top of this. She also commented that we will still need to do some restrictions, as we are still in a drought even with the rain we've had.

James commented that a lot of the use is in the business and industrial areas and that is where the education should start.

Mayes commented that we will need to implement multiple methods including fines, restrictions, and water rate increases to truly get a handle on the long term water demands. **Nelson** responded that there is not a lot of support for rate increases, but more support of imposing fines. **Nelson** added that we are looking at several options to address the issue.

Wynne commented that the problem with usage based fines is it lets people wells off the hook. He stated he would like to see the process equalized whatever we do.

Mayes wanted to know how much of an impact would it be if the private wells user were limited. **Nelson** advised that short term there would not be much of an impact; long term there could be an impact.

Heflin commented he thought it would be important and beneficial if the public was educated on the Cheney water levels. **Nelson** responded we have been tossing that idea around.

Warren Pyles, 1406 N Pennsylvania commented that a more cost effective package needed to be put together for customers; that more transparency of how funds were being spent was needed; and the customers always see to bear the cost of the issues. **Pyles** stated that the community needs to be able to trust the system and see where the dollars are being spent.

Charles McAfee, 16 Crestview Lakes stated we need to decide to be in a city that's growing and start thinking ahead. He asked why not run water lines underground and let's transport water.

Greg Copper, 1618 New York asked how much gray water the city uses. **Nelson** responded we have 25 million gallons of gray water that could be used, but not much of it is used at this time. He also advised that they are looking at those opportunities as well.

Mayes commented that we need more revenue that we have today to start addressing other issues to help with obtaining more water from other sources.

Council Member Williams thanked Nelson for his presentation.

Action Taken: Received and filed.

10. 10th & 15th Street Bridges

Gary Janzen, Public Works & Utilities presented information on the street bridges over the drainage canal at I-135. **Janzen** advised that the bridges have deteriorated to a structurally deficient condition and the bridges need attention. He noted that the proposed plans include removing the existing bridges and replacing them with pedestrian bridges, converting the existing bridges to pedestrian use only, or repairing the bridge for continued vehicular and pedestrian use.

Janzen advised that they have conducted traffic counts and the following counts were obtained:

- 9th Street – 13,000 vehicles
- 10th Street – 350 vehicles
- 11th Street – 1,200 vehicles
- 13th Street – 17,580 vehicles
- 15th Street – 200 vehicles
- 17th Street – 3,100 vehicles

Janzen advised that the conditions of the bridges have been presented at a neighborhood meeting on April 4th and the District 1 Breakfast on April 6th. Following the community meetings staff conducted a trail closure of the bridges to see the impact. **Janzen** also advised that they have worked with transit and was informed that they could reroute the route. WPD and WFD also noted that they would be fine with the closure of the bridges as well.

Janzen advised that one option is to replace the bridges; another option would be to convert to pedestrian bridges at the 15th Street Bridge.

Janzen advised that it would cost \$1.2M to replace the 10th Street Bridge. He noted that if they converted to a pedestrian bridge only using the existing structure, it would cost \$900,000. He advised that if they replaced it as pedestrian bridge only it would cost \$450,000.

Janzen advised that it would cost \$1.2M to replace the 15th Street Bridge. He noted that if they converted to a pedestrian bridge only using the existing structure, it would cost \$1M. He advised that if they replaced it as pedestrian bridge only it would cost \$600,000.

Janzen noted that currently the Capital Improvement Project (CIP) budget only has \$400,000 allocated for bridges. He also noted that there is not an eminent danger for these bridges, but they would need to be addressed soon.

Wilson wanted to know why the city allowed the bridges to deteriorate to these conditions. She also asked how the 10th and 15th Street Bridges tied into the bike paths. She then commented that McAdams Park is already isolated, so instead of closing the bridges why not extend the road for more access. She also noted that she is not averse to closing the 10th Street Bridge but not 15th Street.

William Eckels, 1443 N. Pennsylvania commented that the bridges are essential and should be repaired. He noted that he was informed that there was funding available to repair the bridges.

Warren Pyles, 1406 N. Pennsylvania commented that he wanted to see the bridges remain open and repaired. He commented that he feels this is neglect to the community and the city should have kept the bridges up. He wanted the city to compare the bridges in this community with

other communities in Wichita. He did understand why the bridges could not be fixed. He commented that the city should stop abusing this community.

Edward Coleman, 1550 N. New York advised that he was the Pastor of the church near the bridge and he sees kids walking to school crossing the bridge. He noted that he would prefer that the bridge remains open, but if they do decide to convert to a pedestrian bridge only he would like to see other concessions made in the area. He commented that he would like to see all the dirt roads paved, that the area be beautified. **Coleman** added that these decisions are killing the community.

Heflin commented that most of the concerns seem to be with the closing of the 15th Street Bridge. He asked if there were any concerns with the 10th Street Bridge being closed.

Wilson asked what the cost would be to just demo the 10th Street Bridge. **Janzen** advised \$100K or less.

Charles McAfee, stated this isolates the neighborhood to nothing but dead end streets on Pennsylvania, New York and now 15th Street. He added that this continues to deteriorate the neighborhood. **McAfee** added that there is a lot of history in this neighborhood that is being missed and that he was not in favor of either of the bridges being closed.

Demetrius Dawson, 1527 E. 15th St., advised that the bridge is needed and that a pedestrian walk way is unacceptable. He noted that parents used the bridge to get kids to school daily. He was concerned that this is going to squeeze out the neighborhood. He also commented that he sees both senior and children utilizing the bridge.

Greg Cooper, 1618 New York, commented that New York has become a thoroughfare, increased illegal dumping because of all the dead end streets. He commented that he did not want to see the bridges closed.

Michael Bolton, 1703 N. Hydraulic, commented that he did not want to see the bridges closed. He also added that he would like to see some type of plaque put up to tell about the history of the neighborhood.

Blanch Jackosn, 1514 Pennsylvania commented that she did not want the bridges closed.

Theola Cooper, 1618 New York, commented that she did not want to see the bridge at 15th Street closed.

Mayes asked when the traffic count was taken. **Janzen** advised that they have taken the traffic 4 or 5 different times over the past 4 years. He added that these counts captured school traffic, football games, and other community activities held at McAdams.

Mayes wanted to know how much money was in the CIP to repair bridges. He also wanted to know how long the bridges could remain safe at current conditions. **Janzen** advised that there was \$400,000 and the bridges could remain safe for 1 – 2 years.

James stated that the 15th Street Bridge should remain open. He also questioned how to be a good steward of money and what would be most cost effective?

Heflin commented that should be made as the gateway to McAdams and the dirt roads should be paved. He also commented that this should be a vehicular and pedestrian bridge.

Wilson advised that she would be willing to sacrifice the closure of the 10th Street Bridge to allow for the 15th Street Bridge to remain open as vehicular and pedestrian bridge.

Wynne commented why spend millions of dollars downtown and edges of the city, but don't want to spend the money to respect our history. He added that the history needs to be maintained and it needs to be more than just a plaque.

Mayes noted that the community wanted to increase the publicity for McAdams, not close the bridge, and not remove the historical significance of the bridge.

Buckmaster asked how much longer the bridges will be closed. **Janzen** advised that was up for discussion. **Buckmaster** commented that the 15th Street Bridge should be opened as soon as possible.

Mayes asked if the cost estimate was accurate. **Janzen** advised that the city does use a competitive bid process for projects, but they thought the estimates were solid.

Janzen advised that traffic counts is what staff used to make their recommendations. He noted that the traffic counts are reflective of activities. **Janzen** also advised that the bridges were not neglected, he noted that they are 88 years old. He advised that the city has 260 bridges on the system and they monitor them all with the same diligence.

Janzen confirmed that the community and DAB were okay with the 10th Street Bridge being closed but wanted the 15th Street Bridge to remain open and be repaired.

Mayes commented that keeping the 10th Street Bridge open does not make sense. He also questioned if the 15th Street Bridge should be functional or beautified as well.

Action Taken:

Part 1 – Approve the demolition of the 10th Street Bridge – no pedestrian bridge. (Wilson) Mayes. Motion carried 8:0.

Mayes do we want to vote on this in a step by step process.

Wilson commented that Mayes have not seen the decline.

Janzen advised there are a 100 miles of dirt streets in Wichita. He also commented that the city does not pay for dirt roads, so if a road is paved the cost will be assessed to the property owners in the benefit area.

Part 2 – Motion to repair the 15th Street Bridge – revitalize , enhance McAdams Park entrance, beautify bridge, pave dirt road, and any auxiliary roads. (Wilson) Buckmaster. Motion carried 7:1 (Mayes voted against)

CM Williams stated that there is more discussion that has to take place. This still has to go before the City Council for final decision.

Wilson strongly stressed to the community that should be in attendance when this item goes before the City Council.

Updates, Issues and Reports

No items submitted.

With no further business, the meeting adjourned at 9:40 p.m.

Respectfully Submitted,
LaShonda Garnes
Neighborhood Assistant